United Nations A/C.3/56/L.59

General Assembly

Distr.: Limited
19 November 2001

Original: English

Fifty-sixth session
Third Committee
Agenda item 119 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Algeria, Azerbaijan, Cuba, Egypt, India, Malaysia, Pakistan, Peru, Philippines, Russian Federation, Sri Lanka, Sudan and Turkey: draft resolution

Human rights and terrorism

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[2] and the International Covenants on Human Rights,[3]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[4] as well as the Declaration on Measures to Eliminate International Terrorism,[5]

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] in which the Conference reaffirmed that acts, methods and practices of terrorism in all its forms and manifestations as well as linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

[1] Resolution 217 A (III).
[2] Resolution 2625 (XXV), annex.
[3] Resolution 2200 A (XXI), annex.
[4] See resolution 50/6.
[5] Resolution 49/60, annex.
[6] A/CONF.157/24 (Part I), chap. III.

01-64818 (E) 201101

Recalling further the United Nations Millennium Declaration adopted by the General Assembly,[7]

Recalling its resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997 and 54/164 of 17 December 1999,

Recalling in particular that in its resolution 52/133 it requested the Secretary-General to seek the views of Member States on the implications of terrorism, in all its forms and manifestations, for the full enjoyment of human rights and fundamental freedoms,

Recalling previous resolutions of the Commission on Human Rights, and taking note, in particular, of resolution 2001/37 of 23 April 2001,[8] as well as the relevant resolutions of the Subcommission on the Promotion and Protection of Human Rights, particularly its resolution 2001/18, adopted unanimously on 16 August 2001,[9]

Noting all other relevant General Assembly resolutions,

Noting also relevant Security Council resolutions,

Aware that, at the dawn of the twenty-first century, the world is witness to historical and far-reaching transformations in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges,

Alarmed that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the right to life is the basic human right, without which a human being can exercise no other right,

Bearing in mind also that terrorism creates an environment that destroys the right of people to live in freedom from fear,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and that every individual should strive to secure their universal and effective recognition and observance,

Seriously concerned about the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Expressing its deepest sympathy and condolences to all the victims of terrorism and their families,

---

[7] Resolution 55/2.

[8] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[9] E/CN.4/SUB.2/RES/2001/18.

Noting with great concern the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, the taking of hostages and robbery,

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism, which may cause massive damage, including huge loss of human life,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law and to strengthen the role of the United Nations in this respect,

Emphasizing also the importance of Member States taking appropriate steps to deny safe haven to those who plan, finance or commit terrorist acts, by ensuring their apprehension and prosecution or extradition,

Reaffirming that all measures to counter terrorism must be in strict conformity with the relevant provisions of international law, including international human rights standards,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, in particular the right to life,

Taking note of the growing consciousness within the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

1. *Expresses its solidarity* with the victims of terrorism;

2. *Strongly condemns* the violations of the right to live free from fear and of the right to life, liberty and security;

3. *Reiterates its unequivocal condemnation* of the acts, methods and practices of terrorism, in all its forms and manifestations, as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

4. *Reaffirms* the decision of the heads of State and Government, as contained in the Millennium Declaration, to take concerted action against international terrorism and to accede as soon as possible to all the relevant regional and international conventions;

5. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

6. *Calls upon* States to take all necessary and effective measures in accordance with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and also calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

7. *Urges* all States to deny safe haven to terrorists;

8. *Calls upon* States to take appropriate measures, in conformity with relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, including assassinations, and, in this context, urges those States that have granted refugee status or asylum to persons involved or have claimed acts of terrorism to review these situations;

9. *Condemns* the incitement of ethnic hatred, violence and terrorism;

10. *Commends* those Governments that have communicated their views on the implications of terrorism in response to the notes verbales by the Secretary-General dated 16 August 1999 and 4 September 2000;

11. *Welcomes* the report of the Secretary-General,[10] and requests him to continue to seek the views of Member States on the implications of terrorism, in all its forms and manifestations, for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary Fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, with a view to incorporating his findings in his report to the General Assembly;

12. *Decides* to consider this question at its fifty-eighth session, under the item entitled "Human rights questions".

[10] A/56/190.

United Nations A/C.3/56/L.60

General Assembly

Distr.: Limited
20 November 2001

Original: English

Fifty-sixth session
Third Committee
Agenda item 119 (b)
Human rights questions: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Angola, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland and Yugoslavia: draft resolution

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular article 6 of the Covenant, which, inter alia, states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age, and article 10, which provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,

Bearing in mind also the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[3] of the International Convention on the Elimination of All Forms of Racial Discrimination,[4]

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[3] Resolution 39/46, annex.
[4] Resolution 2106 A (XX), annex.

01-64824 (E) 201101

in particular the right to equal treatment before the tribunals and all other organs administering justice; of the Convention on the Rights of the Child,[5] in particular article 37, according to which every child deprived of liberty shall be treated in a manner which takes into account the needs of persons of his or her age; and of the Convention on the Elimination of All Forms of Discrimination against Women,[6] in particular the obligation to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice,

Emphasizing that the right to access to justice as contained in applicable international human rights instruments forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

Recalling the Guidelines for Action on Children in the Criminal Justice System[7] and the establishment and subsequent meetings of the coordination panel on technical advice and assistance in juvenile justice,

Calling attention to the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, and of the plans of action for its implementation and follow-up,

Recalling its resolution 54/163 of 17 December 1999, and taking note of Commission on Human Rights resolution 2000/39 of 20 April 2000 and Economic and Social Council resolution 1999/28 of 28 July 1999,

1. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

3. *Invites* Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers, and other professionals concerned, including personnel deployed in international field presences;

4. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of administration of justice;

5. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights, and invites the international community

[5] Resolution 44/25, annex.
[6] Resolution 34/180, annex.
[7] Economic and Social Council resolution 1997/30, annex.

to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

6. *Encourages* the regional commissions, the specialized agencies and United Nations institutes in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

7. *Invites* the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the Centre for International Crime Prevention, to coordinate closely their activities relating to the administration of justice;

8. *Calls upon* mechanisms of the Commission on Human Rights and its subsidiary bodies, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion and protection of human rights in the administration of justice, including juvenile justice, and to provide, where appropriate, specific recommendations in this regard, including proposals for advisory service and technical assistance measures;

9. *Calls upon* the United Nations High Commissioner for Human Rights to reinforce, within her mandate, her activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations;

10. *Commends* the Office of the United Nations High Commissioner for Human Rights for its work on the development of a human rights manual for judges, prosecutors and lawyers in the framework of the Decade for Human Rights Education (1995-2004), and encourages the Office to continue organizing training courses and other relevant activities aimed at strengthening national legal systems and enhancing the promotion and protection of human rights in the field of administration of justice;

11. *Welcomes* the increased attention paid to the issue of juvenile justice by the High Commissioner, in particular through technical assistance monitoring activities, and, taking into account that international cooperation to promote juvenile justice reform has become a priority within the United Nations system, encourages further activities, within her mandate, in this regard;

12. *Calls upon* the coordination panel on technical advice and assistance in juvenile justice to increase further cooperation among the partners involved, to share information and pool their capacities and interests in order to increase the effectiveness of programme implementation;

13. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and respect for the rule of law and human rights in post-conflict situations, and requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system in the field of the administration of justice in post-conflict situations, including assistance provided through United Nations field presences;

14. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and

the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the United Nations High Commissioner for Human Rights in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

15. *Decides* to consider the question of human rights in the administration of justice at its fifty-eighth session, under the item entitled "Human rights questions".